

REMARKS

The Examiner's Office Action mailed February 7, 2008, which rejected all pending claims, has been reviewed. Reconsideration of the objections and rejections in view of the foregoing amendments and following remarks is respectfully requested. Moreover, Applicants have reviewed the Office Action of February 7, 2008, and submit that the above Amendments and the following Remarks are responsive to all points raised therein. Applicants believe that currently pending claims 1-3 and 11-19 are now in form for allowance.

Status of Claims

Claims 1-3 and 11-19 are pending in the application. Claim 1-3 have been amended. Claims 4-10 have been canceled. New claims 11-19 have been added.

Claim 1 has been amended for clarity, to focus on liquid preparations, and to incorporate claims 4 and 6. Claim 2 has been amended to correct grammar and for clarity. Support for new claim 11 can be found, for example, at Example 5 of the specification. Support for new claims 12-15 can be found, for example, at page 15, lines 5-16 of the specification. Support for new claims 16-19 can be found, for example, at page 17, lines 6-8 of the specification. No new matter has been added.

Objections to the Claims.

Claim 2 has been amended to correct grammatical errors as requested by the examiner.

Rejection of Claims 9 and 10 under 35 USC § 101/112

Claims 9 and 10 have been canceled, as such Applicants believe this rejection is now moot.

Rejection of Claims 1-5, 7, 9-10 under 35 USC § 102(b)

Reconsideration is requested of the rejection of claims 1-5, 7, and 9-10 as being anticipated by Lange et al. (US Patent No. 5,152,986).

The claimed invention is directed to a liquid pharmaceutical preparation for oral administration. Independent claim 1 recites a liquid pharmaceutical preparation comprising pradofloxacin bound to an ion exchange resin, characterized in that the loaded ion exchange resin is dispersed in a carrier medium comprising water and one or more pseudoplastic gel formers.

To anticipate a claim, a reference must teach or suggest every element of the claim. Applicants respectfully submit that Lange et al. fail to teach or suggest every element of amended independent Claim 1. Lange et al. fail to teach 1) a liquid pharmaceutical preparation comprising pradofloxacin bound to an ion exchange resin and 2) that the pradofloxacin bound ion exchange resin is dispersed in a carrier medium comprising water and a pseudoplastic gel former. Example 6 of Lange et al., mentioned by the Examiner, teaches a semisolid product, a paste, rather than a liquid product. In fact, Lange et al. fail to teach or suggest a liquid preparation at all. In addition, Lange et al. does not teach pradofloxacin or that the pradofloxacin bound ion exchange resin be dispersed in a carrier medium that include water and a pseudoplastic gel former.

For all the reasons stated above, Lange et al. fail to teach each and every element of claim 1. Claims 2-3 and 11-19 each depend directly or indirectly from claim 1, and as such are patentable over Lange et al.

Rejection of Claim 6 under 35 USC § 103(a)

Reconsideration is requested of the rejection of claims 6 under §103(a) as being unpatentable over Lange et al. (US Patent No. 5,152,986) in view of Bartel et al. (US Patent No. 6,323,213).

Claim 6 has been canceled; as such, Applicants believe this rejection is now moot. However, since claim 6 was incorporated into claim 1, Applicants also submit that claim 1 is patentable over Lange et al. in view of Bartel et al.

The subject matter of a claim is prima facie obvious in view of particular references if the Patent Office can demonstrate that (1) the references, alone or

together, teach every element of the claims, (2) there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine the references, and (3) there is some reasonable expectation of success.

Neither reference alone or when combined teach or suggest all of the elements of claim 1. In particular, neither reference alone or when combined teach or suggest 1) a liquid pharmaceutical preparation comprising pradofloxacin bound to an ion exchange resin and 2) that the pradofloxacin bound ion exchange resin is dispersed in a carrier medium comprising water and a pseudoplastic gel former.

As stated above, Lange et al. fail to teach or suggest a liquid preparation comprising pradofloxacin bound to an ion exchange resin. Rather, Lange et al. teach a semisolid preparation or paste. Bartel et al. as the Examiner noted discusses the preparation and utility of pradofloxacin, however, it does not cure the deficiencies of Lange et al. as it does teach nor suggest a liquid pharmaceutical preparation comprising pradofloxacin bound to an ion exchange resin. In fact, Bartel et al. does not teach or suggest 1) a liquid pharmaceutical ion exchange resin preparation that includes pradofloxacin bound thereto or 2) that the pradofloxacin bound ion exchange resin is dispersed in a carrier medium comprising water and a pseudoplastic gel former at all.

For all the reasons stated above, Lange et al. in combination with Bartel et al. do not render claim 1 obvious.

Rejection of Claim 8 under 35 USC § 103(a)

Reconsideration is requested of the rejection of claims 8 under §103(a) as being unpatentable over Lange et al. (US Patent No. 5,152,986) in view of Goede et al. (US Patent No. 6,667,058).

Claim 8 has been canceled; as such, Applicants believe this rejection is now moot.

Conclusion

In view of the above, Applicants respectfully submit that the pending claims are now in form for allowance.

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment in connection with this amendment to Deposit Account No. 50-4260.

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